

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNDER SEAL

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOEL WRIGHT,

Defendant-Appellant.

U.S.C.A. No. 20-50361

U.S.D.C. No. 16-CR-354-DMS

Appellant's unopposed motion
to seal his reply brief

I. Introduction

Appellant Joel Wright respectfully moves this Court under Ninth Circuit Rule 27-13(e) to seal an unredacted copy of his reply brief and file publically a redacted version of the same. The reply brief extensively references Joel's medical conditions. Thus, sealing would ensure Joel's medical privacy. The government does not oppose this motion.

II. Facts and Procedural History

In prior orders, this Court granted the parties' motions to seal the opening brief, answering brief, and certain pages of the excerpts of record and supplemental excerpts of record in this case. 9th Cir. Docket

Nos. 14, 32. These materials were sealed to protect Joel's medical privacy. *See* 9th Cir. Docket Nos. 8, 10, 27.

III. Argument

Because it discusses and details his medical conditions, Joel Wright moves this Court to seal an unredacted copy of his reply brief and file publically a redacted copy. A proposed redacted copy is filed with this motion.

“Where the public has a qualified First Amendment right of access, ‘criminal proceedings and documents may be closed to the public without violating the [F]irst [A]mendment only if three substantive requirements are satisfied: (1) closure serves a compelling interest; (2) there is a substantial probability that, in the absence of closure, this compelling interest would be harmed; and (3) there are no alternatives to closure that would adequately protect the compelling interest.’”

United States v. Doe, 870 F.3d 991, 998 (9th Cir. 2017) (quoting *Oregonian Publ'g Co. v. U.S. Dist. Ct. for Dist. of Or.*, 920 F.2d 1462, 1466 (9th Cir. 1990)). Joel satisfies that test here, because sealing the unredacted copy of his reply brief is the only means to protect his medical privacy.

Sealing the unredacted copy of the reply brief serves a compelling interest because the reply brief contains detailed medical information concerning Joel Wright. The “interest in maintaining the confidentiality of his medical records outweighs the public’s need to access these records. And courts within the Ninth Circuit have found that the need to protect patients’ medical privacy meets the compelling reasons standard.” *Rios v. Bryan*, No. 2:17-cv-3074-RFB-BNW, 2020 WL 4572319, *2 (D. Nev. Aug. 7, 2020) (internal citations omitted).

The modest step of sealing these documents does nothing to infringe on the public’s First Amendment right of access in this particular case. Any member of the press or public interested in Joel Wright’s case was able to attend the oral sentencing; it was open to the public. Moreover, the rest of the district court and court of appeals docket will still be publically available. And under this Court’s rules, oral argument would likely be conducted publically.

In sum, although the public may generally have a right of access to court documents, that interest is greatly diminished in this case, and the substantial probability of harm to Joel Wright from the revelation of

his medical information warrants sealing the unredacted version of his reply brief.

IV. Conclusion

Joel Wright respectfully moves this Court to seal the unredacted version of his reply brief and file a redacted version on the record.

Respectfully submitted,

Dated: August 4, 2021

/s/ Katie Hurrelbrink

Katie Hurrelbrink
Federal Defenders of San Diego,
Inc.
225 Broadway, Suite 900
San Diego, California 92101-5097
Telephone: (619) 234-8467
katie_hurrelbrink@fd.org
Attorneys for Defendant-
Appellant

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FOR THE NINTH CIRCUIT

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